

# **THE GEORGIA TREATED TIMBER PRODUCTS ACT**



**GEORGIA DEPARTMENT OF AGRICULTURE**

**Gary W. Black**  
Commissioner

## **FOREWARD**

Wood preserving is one of the oldest technical industries in Georgia and has established and maintained a creditable record of performance through adherence to the professional standards developed through the American Wood Preserver's Association and the American Wood Preservers Bureau. In order to preclude any threat to these high standards by unscrupulous treaters who might establish operations within the State and to prevent improperly treated products from being shipped into the State, the Georgia Legislature passed the Georgia Treated Timber Products Act in 1973, to become effective July 1, 1974.

This is the first such comprehensive Act within the nation and will protect the reputable treater who consistently maintains his traditional high standards. It will eliminate the unscrupulous treater and insure the consumer a dependable product.

The administration of the Act has been assigned to the Department of Agriculture and it is our sincere hope that in cooperation with the Industry we can implement an enforcement program which will be worthy of the respect of both the industry and the consuming public.

Gary W. Black  
Commissioner of Agriculture

# **THE GEORGIA TREATED TIMBER PRODUCTS ACT**

Ga. Laws 1975 p. 1418

To regulate the treatment and sale of certain timber or timber products within the State of Georgia; to provide for a short title; to provide for definitions; to provide that each person, firm or corporation engaged in the business of treating timber or timber products with preservatives shall secure a processor's license; to provide that certain persons, firms or corporations shall secure a dealer's license; to provide for license fees; to provide for applications for license; to provide for the establishment of standards for preservatives used in the treatment of timber or timber products; to provide for restrictions and qualifications on certain standards; to provide for exemptions; to provide for the branding or marking of certain treated timber or timber products; to provide for the registration of brands; to provide that each shipment of chemically treated timber or timber products shall be accompanied by a shipping document containing certain information; to provide for the inspection and sampling of timber or timber products and places in which timber or timber products are being treated; to provide for the taking of reasonable samples for testing purposes; to provide for the issuance and enforcement of stop sale, stop use or removal orders and the practice and procedure connected with such orders; to provide for the seizure and condemnation of certain treated timber or timber products not in compliance with the provisions of this Act; to provide for the practice and procedure in connection with such seizure and condemnation; to provide for the disposal of such treated timber or timber products; to provide for the suspension and revocation of licenses; to provide for notices and hearings; to provide for the practice and procedure in connection with such suspension and revocations; to provide for exemptions; to provide that certain acts shall be unlawful; to provide for penalties; to provide for rules and regulations; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA**

## **2-14-100. Short Title**

This part shall be known and may be cited as the "**Georgia Treated Timber Products Act** of 1973."

## **2-14-101. Definitions**

(a) As used in this part, the term:

(1) "Brand" means an identification mark assigned to a processor and used to mark each treated pole, post or piling, timber, or other timber product.

(2) "Dealer" means any person, firm, or corporation who ships or brings into this state, for sale, any treated timber or timber product treated outside the state.

(3) "Preservative" means any chemical used in treating wood to retard or prevent deterioration or destruction caused by the action of insects, fungi, bacteria, or other wood-destroying organisms.

(4) "Timber" means sawed wood of five inches or more actual thickness.

(5) "Treated wood" means wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction caused by insects, fungi, bacteria, or other wood-destroying organisms.

(b) Any term which is not defined in subsection (a) of this Code section shall have the definition ascribed to such term in the standards of the American Wood Preservers' Association, if such term is defined in such standards and if such definition is not otherwise in conflict with this part, as determined by the Commissioner.

## **2-14-102. Licensing Requirements**

(a) Each person, firm, or corporation engaging in the business of treating timber or timber products with preservatives in this state shall secure an annual processor's license from the Commissioner of Agriculture before such treatment is undertaken. The annual fee for this license shall be \$120.00.

(b) Each person, firm, or corporation shipping into the state for sale or bringing into the state for sale any treated timber or timber products processed outside the state shall secure an annual dealer's license from the Commissioner. The annual fee for this license shall be \$120.00.

(c) Application for licenses shall be made in writing on a form obtained from the Commissioner's office. The application shall contain:

(1) The name and address of the applicant;

(2) A list of the types of treated timber or timber products to be processed or offered for sale or both processed and offered for sale;

(3) The type of treatment employed or to be employed;

(4) The preservative and the guaranteed average retention of preservative per cubic foot of wood; and

(5) The proposed brand to be used in identification.

### **2-14-103. Suspension and Revocation of License**

Whenever the Commissioner has knowledge that a licensee has violated this part, the Commissioner, after a hearing, may suspend or revoke the license of such person in order to protect the interest of the public. The licensee shall be notified in writing of the violation, of the date, time, and location of the hearing, and of the revocation of his license.

### **2-14-104. Standards for Preservatives and Treatment**

(a) The Commissioner shall establish standards for the preservatives used and for the treatment of timber or timber products. Such standards shall be in conformity with those which are currently adopted by the American Wood Preservers' Association or the American Wood Preservers' Bureau or both, provided that the Commissioner may develop special regulations for the treatment of ash, oak, hickory, and other similar types of hardwood. However, nothing in this part shall be construed to prohibit any processor of treated timber or timber products from employing preservative and treatment standards for utility poles, piling, railroad ties, timbers, or laminated structures when treated to meet the purchaser's engineered specifications for specific applications.

(b) Any other provision of this Code section to the contrary notwithstanding, the use of any creosote-petroleum oil solution as a preservative is prohibited. It shall be unlawful to sell or offer for sale any timber or timber product treated with any creosote-petroleum oil solution.

### **2-14-105. Branding of Treated Timber and Timber Products**

(a) All poles, posts, piling, timber, laminated timber, lumber, or other timber products treated with creosote and oil-borne preservatives, as provided for in this part, shall be branded or marked clearly and with reasonable permanency before being sold or offered for sale in this state, provided that lumber of less than two inches actual in thickness shall have not less than 20 percent of the pieces in each shipment branded or marked.

(b) All lumber and plywood treated with waterborne preservatives shall comply with the American Wood Preservers' Bureau standards.

(c) Every brand shall be registered with the Commissioner and shall not be identical to nor closely resemble that of any other company as listed in "Currently Used Brands" (M6-72) in the current manual of the American Wood Preservers' Association or as the listings may be updated from time to time.

### **2-14-106. Shipping Documents Required**

Each shipment of chemically treated timber or timber products shipped from the processor or by the dealer shall be accompanied by a shipping document which shall contain, in addition to other information required by the purchaser, the following information:

- (1) The type of treatment used in processing the timber or timber products; and
- (2) The preservative used and the guaranteed average retention per cubic foot of treated wood.

## **2-14-107. Prohibited Acts**

(a) It shall be unlawful for any person, firm, or corporation to treat, sell, or offer for sale any timber or timber product governed by the requirements of this part which is not in conformity with the standards adopted or approved by the Commissioner.

(b) It shall be unlawful for any person, firm, or corporation to sell or offer for sale any treated timber or timber product which has not been clearly branded or marked as required by this part.

## **2-14-108. Authority to Promulgate Rules and Regulations**

For the enforcement of this part the Commissioner is authorized, after due notice and public hearing, to promulgate and adopt rules and regulations pertaining to treated timber and timber products processed, sold, or offered for sale in this state.

## **2-14-109. Inspection and Sampling**

In order to carry out this part, the Commissioner or his designated agent may enter into or upon any place during reasonable business hours where timber or timber products are being treated or where treated timber or timber products are being sold or offered for sale and may take samples of preservatives used or treated products being sold or offered for sale, to determine if this part is being complied with.

## **2-14-110. Stop Sale, Use or Removal**

The Commissioner may issue and enforce written or printed stop sale, stop use, or removal orders to the owners or custodians of any treated timber or timber products, ordering them to hold the same at a designated place, when the Commissioner finds such treated timber or timber products being offered or exposed for sale in violation of this part, until the law has been complied with and such treated timber or timber products have been released, in writing, by the Commissioner or the violations have been otherwise legally disposed of by written authority. The Commissioner shall release the treated timber or timber products when the requirements of this part have been complied with.

## **2-14-111. Seizure and Condemnation**

Any treated timber or timber products not in compliance with this part shall be subject to seizure on the complaint of the Commissioner to the superior court of the county in which the treated timber or timber products are found. If the court finds the treated timber or timber products to be in violation of this part and orders their condemnation, the treated timber or timber products shall be disposed of in any manner consistent with their quality, the interests of the parties, and the laws of this state, provided that in no instance shall the disposition of the treated timber or timber products be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the treated timber or timber products in such manner as to bring them into compliance with this part.

## **2-14-112. Exemption**

This part shall not be construed so as to affect any farmer or other person treating timber or timber products for home or personal use.

### **2-14-113. Punishment for Violation**

Any person violating any provisions of this part or the rules and regulations issued by the Commissioner pursuant to this part shall be guilty of a misdemeanor.

### **2-14-120. "Dimension lumber" defined; adoption of standards for grading of dimension lumber.**

(a) As used in this part, the term "dimension lumber" means lumber that is at least two inches (nominal) thick and up to but not including five inches (nominal) thick and two inches or more in width.

(b) The Commissioner shall require with respect to the grading of dimension lumber that standards shall be in conformity with those which are currently adopted by the American Lumber Standards Committee under the auspices of the United States Department of Commerce.

### **2-14-121. Graded dimension lumber to be stamped by licensed agency.**

On and after July 1, 1990, it shall be unlawful for any person, firm, or corporation to offer for sale in this state any dimension lumber stamped according to grade unless it has been stamped by a grading agency licensed by the American Lumber Standards Committee under the auspices of the United States Department of Commerce.

### **2-14-122. Enforcement by Commissioner; stop sale, and removal orders; seizure of lumber.**

(a) In order to carry out this part, the Commissioner or his designated agent may enter into or upon any place during reasonable business hours where dimension lumber is being sold or offered for sale to determine if this part is being complied with.

(b) The Commissioner may issue and enforce written or printed stop sale, stop use, or removal orders to the owners or custodians of any dimension lumber, ordering them to hold the same at a designated place, when the Commissioner finds such dimension lumber being offered for sale in violation of this part, until the law has been complied with and such dimension lumber has been released, in writing, by the Commissioner or the violations have been otherwise legally disposed of by written authority. The Commissioner shall release the dimension lumber when the requirements of this part have been complied with.

(c) Any dimension lumber not in compliance with this part shall be subject to seizure on the complaint of the Commissioner to the superior court of the county in which the dimension lumber is found. If the court finds the dimension lumber to be in violation of this part and orders its condemnation, the dimension lumber shall be disposed of in any manner consistent with its quality, the interests of the parties, and the laws of this state, provided that in no instance shall the disposition of the dimension lumber be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the dimension lumber in such manner as to bring it into compliance with this part.

### **2-14-123. Violations.**

Any person violating any provisions of this part shall be guilty of a misdemeanor.